

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 675

---

### Introduced by Assembly Member Fong

February 21, 2013

---

An act to amend Section ~~70901~~ 87606 of the Education Code, relating to community colleges.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 675, as amended, Fong. Community colleges: ~~Board of Governors of the California Community Colleges:~~ *employment of faculty.*

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. ~~Existing law specifies the duties of the board of governors:~~

~~This bill would make nonsubstantive changes in the provision relating to the duties of the board of governors:~~

*Existing law requires the governing board of a community college district to employ faculty for the first academic year of employment by contract. Existing law states that a faculty member shall be deemed to have completed the first contract year if the faculty member provides service for 75% of the first academic year. Existing law requires an employment contract to contain the terms and conditions that the governing board of a community college district and the proposed employee agree to and that are consistent with the law.*

*This bill would state that a faculty member shall be deemed to have completed the 2nd, 3rd, or 4th contract year, as appropriate, if the faculty member provides service for a percentage of the academic year*

*as is required in an agreement between the governing board of the community college district and the exclusive representative of the faculty member, as provided.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 87606 of the Education Code is amended*  
2     *to read:*

3     87606. (a) An employment contract shall contain ~~such the~~  
4     terms and conditions ~~as that~~ the governing board of the district  
5     and the proposed employee ~~shall agree upon to and as that~~ are  
6     consistent with ~~the provisions of~~ the law.

7     (b) A faculty member shall be deemed to have completed the  
8     second, third, or fourth contract year, as appropriate, if the faculty  
9     member provides service for a percentage of the academic year  
10    as is required in an agreement between the governing board of  
11    the district and the exclusive representative of the faculty member.  
12    Time spent on paid leave of absence, including, but not limited to,  
13    paid or unpaid maternity leave, shall be included in computing  
14    service if the faculty member serves sufficient time during the year  
15    to allow for the evaluation of the faculty member as required by  
16    any negotiated evaluation procedure.

17    ~~SECTION 1. Section 70901 of the Education Code, as amended~~  
18    ~~by Section 2 of Chapter 112 of the Statutes of 2011, is amended~~  
19    ~~to read:~~

20    70901. (a) ~~The Board of Governors of the California~~  
21    ~~Community Colleges shall provide leadership and direction in the~~  
22    ~~continuing development of the California Community Colleges as~~  
23    ~~an integral and effective element in the structure of public higher~~  
24    ~~education in the state. The work of the board of governors shall at~~  
25    ~~all times be directed to maintaining and continuing, to the~~  
26    ~~maximum degree permissible, local authority and control in the~~  
27    ~~administration of the California Community Colleges.~~

28    ~~(b) Subject to, and in furtherance of, subdivision (a), and in~~  
29    ~~consultation with community college districts and other interested~~  
30    ~~parties as specified in subdivision (c), the board of governors shall~~  
31    ~~provide general supervision over community college districts, and~~

1 shall, in furtherance of those purposes, perform the following  
2 functions:

3 (1) Establish minimum standards as required by law, including,  
4 but not necessarily limited to, the following:

5 (A) Minimum standards to govern student academic standards  
6 relating to graduation requirements and probation, dismissal, and  
7 readmission policies.

8 (B) Minimum standards for the employment of academic and  
9 administrative staff in community colleges.

10 (C) Minimum standards for the formation of community colleges  
11 and districts.

12 (D) Minimum standards for credit and noncredit classes.

13 (E) Minimum standards governing procedures established by  
14 governing boards of community college districts to ensure faculty,  
15 staff, and students the right to participate effectively in district and  
16 college governance, and the opportunity to express their opinions  
17 at the campus level and to ensure that these opinions are given  
18 every reasonable consideration, and the right of academic senates  
19 to assume primary responsibility for making recommendations in  
20 the areas of curriculum and academic standards.

21 (2) Evaluate and issue annual reports on the fiscal and  
22 educational effectiveness of community college districts according  
23 to outcome measures cooperatively developed with those districts,  
24 and provide assistance when districts encounter severe management  
25 difficulties.

26 (3) Conduct necessary systemwide research on community  
27 colleges and provide appropriate information services, including,  
28 but not necessarily limited to, definitions for the purpose of uniform  
29 reporting, collection, compilation, and analysis of data for effective  
30 planning and coordination, and dissemination of information.

31 (4) Provide representation, advocacy, and accountability for the  
32 California Community Colleges before state and national legislative  
33 and executive agencies.

34 (5) Administer state support programs, both operational and  
35 capital outlay, and those federally supported programs for which  
36 the board of governors has responsibility pursuant to state or federal  
37 law. In so doing, the board of governors shall do all of the  
38 following:

39 (A) (i) Annually prepare and adopt a proposed budget for the  
40 California Community Colleges. The proposed budget shall, at a

1 minimum, identify the total revenue needs for serving educational  
2 needs within the mission, the amount to be expended for the state  
3 general apportionment, the amounts requested for various  
4 categorical programs established by law, the amounts requested  
5 for new programs and budget improvements, and the amount  
6 requested for systemwide administration.

7 (ii) ~~The proposed budget for the California Community Colleges~~  
8 ~~shall be submitted to the Department of Finance in accordance~~  
9 ~~with established timelines for development of the annual Budget~~  
10 ~~Bill.~~

11 (B) ~~To the extent authorized by law, establish the method for~~  
12 ~~determining and allocating the state general apportionment.~~

13 (C) ~~Establish space and utilization standards for facility planning~~  
14 ~~in order to determine eligibility for state funds for construction~~  
15 ~~purposes.~~

16 (6) ~~Establish minimum conditions entitling districts to receive~~  
17 ~~state aid for support of community colleges. In so doing, the board~~  
18 ~~of governors shall establish and carry out a periodic review of each~~  
19 ~~community college district to determine whether it has met the~~  
20 ~~minimum conditions prescribed by the board of governors.~~

21 (7) ~~Coordinate and encourage interdistrict, regional, and~~  
22 ~~statewide development of community college programs, facilities,~~  
23 ~~and services.~~

24 (8) ~~Facilitate articulation with other segments of higher~~  
25 ~~education with secondary education.~~

26 (9) ~~Review and approve comprehensive plans for each~~  
27 ~~community college district. The plans shall be submitted to the~~  
28 ~~board of governors by the governing board of each community~~  
29 ~~college district.~~

30 (10) ~~Review and approve all educational programs offered by~~  
31 ~~community college districts, and all courses that are not offered~~  
32 ~~as part of an educational program approved by the board of~~  
33 ~~governors.~~

34 (11) ~~Exercise general supervision over the formation of new~~  
35 ~~community college districts and the reorganization of existing~~  
36 ~~community college districts, including the approval or disapproval~~  
37 ~~of plans therefor.~~

38 (12) ~~Notwithstanding any other provision of law, be solely~~  
39 ~~responsible for establishing, maintaining, revising, and updating,~~

1 as necessary, the uniform budgeting and accounting structures and  
2 procedures for the California Community Colleges.

3 ~~(13) Establish policies regarding interdistrict attendance of~~  
4 ~~students.~~

5 ~~(14) Advise and assist governing boards of community college~~  
6 ~~districts on the implementation and interpretation of state and~~  
7 ~~federal laws affecting community colleges.~~

8 ~~(15) Contract for the procurement of goods and services, as~~  
9 ~~necessary.~~

10 ~~(16) Carry out other functions as expressly provided by law.~~

11 ~~(e) Subject to, and in furtherance of, subdivision (a), the board~~  
12 ~~of governors shall have full authority to adopt rules and regulations~~  
13 ~~necessary and proper to execute the functions specified in this~~  
14 ~~section as well as other functions that the board of governors is~~  
15 ~~expressly authorized by statute to regulate.~~

16 ~~(d) Wherever in this section or any other statute a power is~~  
17 ~~vested in the board of governors, the board of governors, by a~~  
18 ~~majority vote, may adopt a rule delegating that power to the~~  
19 ~~chancellor, or any officer, employee, or committee of the California~~  
20 ~~Community Colleges, or community college district, as the board~~  
21 ~~of governors may designate. However, the board of governors~~  
22 ~~shall not delegate any power that is expressly made nondelegable~~  
23 ~~by statute. Any rule delegating authority shall prescribe the limits~~  
24 ~~of delegation.~~

25 ~~(e) In performing the functions specified in this section, the~~  
26 ~~board of governors shall establish and carry out a process for~~  
27 ~~consultation with institutional representatives of community college~~  
28 ~~districts so as to ensure their participation in the development and~~  
29 ~~review of policy proposals. The consultation process shall also~~  
30 ~~afford community college organizations, as well as interested~~  
31 ~~individuals and parties, an opportunity to review and comment on~~  
32 ~~proposed policy before it is adopted by the board of governors.~~

33 ~~(f) This section shall become operative on January 1, 2014.~~